

ALFREDIA PRUITT
4499 BEACON HILL DR
LILBURN GA 30047
770-668-3915



ATTORNEY FOR: IN PRO PER

DEFAULT JUDGEMENT

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
ONE BOWLING GREEN
NEW YORK, NEW YORK 10004

PLAINTIFF/PETITIONER: ALFREDIA PRUITT

DEFENDANT: GMAC/RESIDENTIAL CAPITAL LLC, ET AL.,

Case No: 12-12020(MG)

Adversary No: 13-01350

REQUEST FOR ENTRY OF DEFAULT

Plaintiff Alfredia Pruitt request the Clerk of Court to enter default against

GMAC/Residential Capital LLC et, ea.,

On May 31, 2013 A Summons and Notice of Pre-Trial Conference was issued in the above case. On June 4, 2013, Plaintiff mailed a copy of Summons and Notice of Pretrial to GMAC, Residential Capital and Morrison & Foerster LLP. The court fixed a deadline for the defendants to answer, or motion 30 days from May 31, 2013, which is July 1, 2013. The complaint was served On June 4, 2013. The Affidavit of service was filed on May 24, 2013.

No answer, motion, or responsive pleading has been filed within the time limit set by the court or by Fed. R. Bankr. P. 7012(a).

Defendant(s) is not a juvenile, incompetent, or in the military.



12120201404070000000000008

I am asking the court to grant the relief specified in the Complaint.

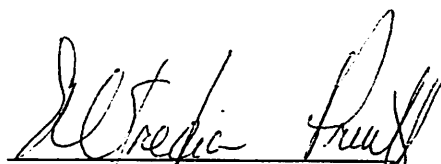
Default may be served on the defendant(s) at:

Residential Capital LLC, et, al., 2335 Alaska Ave, El Segundo, CA 90245,

GMAC(M) c/o Morrison & Foerster LLP, 1290 Avenue of the Americas New York, New
York 10104.

I declare under penalty of perjury under the laws of the state of New York that the
foregoing is true and correct.

Date: June 30, 2013

A handwritten signature in black ink, appearing to read "Alfredia Pruitt", written over a horizontal line.

Alfredia Pruitt
4499 Beacon Hill Dr. SW
Lilburn, GA 30047
(770)668-3915

Certificate of Service

I hereby certify that I have this day served a copy of the Appellant Brief with and foregoing pleading upon all parties in this matter by depositing true and correct copy of same in Fed-Ex Overnight Mail and Regular Mail, on March 17, 2014, with proper postage prepaid, addressed to counsel of record as follow:

Southern District of New York
District Court
500 Pearl Street
New York, NY 10007

GMAC/Residential Capital
Morrison & Forester, LLP
c/o 1290 Avenue of the Americas
New York, New York 10104
Telephone: (212)468-8000
Facsimile: (212)468-7900

United States Bankruptcy Court
One Bowling Green
New York, NY 10004

MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900
Gary S. Lee
Norman S. Rosenbaum
Paul Galante

*Counsel for the Debtors and
Debtors in Possession*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----)	
In re:)	Case No. 12-12020 (MG)
)	
RESIDENTIAL CAPITAL, LLC, <u>et al.</u> ,)	Chapter 11
)	
Debtors.)	Jointly Administered
-----)	
ALFREDIA PRUITT,)	Adv. Case No. 13-01350 (MG)
)	
Plaintiff,)	
)	
v.)	
)	
RESIDENTIAL CAPITAL, LLC, <i>et al.</i> ,)	
)	
Defendants.)	
-----)	

**NOTICE OF APPLICABILITY OF THE ORDER APPROVING
MANDATORY SUPPLEMENTAL AP PROCEDURES FOR AP ACTIONS**

PLEASE TAKE NOTICE that the Order Approving Mandatory Supplemental AP Procedures for AP Actions entered by the Bankruptcy Court in the above-captioned chapter 11 cases on March 22, 2013 [Docket No. 3293], as amended on April 22, 2013 [Docket No. 3490] is hereby made applicable to and governs this adversary proceeding.

Dated: May 30, 2013
New York, New York

/s/ Paul A. Galante
Gary S. Lee
Norman S. Rosenbaum
Paul A. Galante
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, New York 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

*Counsel for the Debtors and Debtors in
Possession*

Supplemental AP Procedures

1. **Notice of Applicability.** The Supplemental AP Procedures shall apply to (a) all AP Actions commenced on or after the date hereof and (b) all AP Actions pending as of the date hereof for which a dispositive motion has not been fully briefed and argued before the Court. Within five (5) days of the filing of the AP Action, the Debtors shall file in each AP Action a “Notice of Applicability” of these Supplemental AP Procedures (the form of which is annexed to the Proposed Order as Exhibit A), which will include a copy of these Supplemental AP Procedures appended to such notice. The Notice of Applicability will also include a form schedule that will clearly set forth (i) certain dates by which the Debtors, Special Borrowers’ Counsel, and the AP Plaintiff, if appearing pro se, or the AP Plaintiff’s counsel, if applicable, must complete the tasks outlined in these Supplemental AP Procedures, with such dates being subject to change upon the agreement of these parties and/or Court order, and (ii) the Debtors’ and Special Borrowers’ Counsel’s detailed contact information. The filing of a Notice of Applicability immediately obligates the Debtors, Special Borrowers’ Counsel, and the AP Plaintiff, if appearing pro se, or counsel for the AP Plaintiff, as applicable, to comply with the Supplemental AP Procedures. The Notice of Applicability will be served on the AP Plaintiff, if pro se, or AP Plaintiff’s counsel, if applicable, and all other named defendants (to the extent the Debtors have or are reasonably able to access valid addresses for such parties) by first class overnight mail and email where an email address has been provided.
2. **AP Plaintiff Contact Information.** Upon receipt of the Notice of Applicability, the AP Plaintiff, if appearing pro se, will have seven (7) days to provide the Debtors with valid contact information, including a telephone number and email address, if available (the “AP Plaintiff Contact Information”). Upon receipt of the AP Plaintiff Contact Information, the Debtors shall promptly notify the Clerk of the Court of the AP Plaintiff Contact Information for inclusion in the official docket of the AP Action.
3. **Extension of Answer or Response Deadlines.** Notwithstanding the time periods prescribed by the Bankruptcy Rules or Local Rules, the following extensions will apply except for any other date fixed by order of the Court: The date by which the Debtors and other named defendants will be required to answer or otherwise respond to the complaint filed in the AP Action or any motion filed in the AP Action shall be extended to and including the date that is thirty (30) days following the Pre-Trial Status Conference (defined below). In addition, no party to the AP Action may file any motion or answer, or respond in respect to the complaint filed in the AP Action during this period. To the extent the Debtors or any other defendant has answered or otherwise responded to the complaint filed in the AP Action, the AP Plaintiff’s deadline to respond shall be extended to and including the date that is thirty (30) days

following the Pre-Trial Status Conference, each subject to further extensions as may be agreed upon by the parties or ordered by the Court.

4. **Intake, Initial Conference and Reporting:**

- (i) **Review and Evaluation by Debtors and Special Borrowers' Counsel.** Within forty-five (45) days after service of the Notice of Applicability (the "Evaluation Period"), counsel to the Debtors and Special Borrowers' Counsel shall review and evaluate the AP Action, and shall meet and confer, either telephonically or in-person, with the AP Plaintiff (or where applicable AP Plaintiff's counsel) to discuss the claims and causes of action set forth in the AP Action and the nature of the relief requested therein (the "Initial Conference").¹ Counsel to the Debtors, in consultation with Special Borrowers' Counsel, shall promptly furnish to the AP Plaintiff, or AP Plaintiff's counsel, as applicable, by overnight mail or email a request for an Initial Conference proposing dates and times for the Initial Conference. A determination of whether the Initial Conference will be held in-person or telephonically shall be within the sole discretion of the Debtors.
- (ii) **Initial Conference.** Within five (5) days after receipt of a request for an Initial Conference, the AP Plaintiff, if appearing pro se, or the AP Plaintiff's counsel, as applicable, must respond by (a) accepting a proposed date and time, or (b) requesting that the AP Plaintiff, if pro se, or the AP Plaintiff's counsel, as applicable, be contacted to schedule a mutually convenient alternative date and time. The Debtors and Special Borrowers' Counsel shall endeavor to schedule the Initial Conference, whether telephonic or in-person, when convenient for the AP Plaintiff, if pro se (including before or after regular business hours and on non-traditional work days), and the AP Plaintiff's counsel, as applicable. The Initial Conference specified in this paragraph, together with any continuations or rescheduled calls or meetings related to the AP Action arising from that Initial Conference, will be subject to Rule 408 of the Federal Rules of Evidence and analogous state evidentiary provisions. The Initial Conference and all communications related thereto do not fall within the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1601 *et seq.*, or any state equivalent debt collection act, and shall not be deemed to be an effort to collect on a debt of any AP Plaintiff.
- (iii) **Failure to Comply.** Failure to timely act in response to a request for an Initial Conference and meet and confer with the Debtors and Special Borrowers' Counsel in good faith, as described in paragraph 2(ii) above, may result, at the option of the Debtors, in an application to the

¹ At this initial stage, the AP Plaintiff, if appearing pro se, or the AP Plaintiff's counsel, as applicable, is not required to have Initial Conferences with other non-Debtor defendants to the AP Action.

Bankruptcy Court (on notice to the impacted AP Plaintiff, AP Plaintiff's counsel, if applicable, and Special Borrowers' Counsel) for an order dismissing the AP Action for failure to prosecute and comply with the Supplemental AP Procedures. Such motion to dismiss shall not preclude the Debtors from filing other and further motions to dismiss the AP Action to the extent the AP Plaintiff, or AP Plaintiff's counsel, if applicable, subsequently complies with the Supplemental AP Procedures and such original motion is withdrawn by the Debtors or denied by the Court.

- (iv) **Progress Report.** No later than sixty (60) days after the filing of a Notice of Applicability, the Debtors, Special Borrowers' Counsel, the AP Plaintiff, if appearing pro se, or counsel to the AP Plaintiff, as applicable, will file a "**Joint Progress Report**" to document the extent of the progress, if any, the parties have made in connection with the Initial Conference and state whether the parties have come to a mutual resolution of the AP Action, or that the AP Plaintiff wishes to proceed with the AP Action. The Joint Progress Report must be filed prior to the scheduling of the Pre-Trial Status Conference (defined below). If the Debtors, Special Borrowers' Counsel, and the AP Plaintiff, if appearing pro se, or counsel to the AP Plaintiff, as applicable, are unable to agree, in good faith, on the Joint Progress Report, each party may file a separate progress report (the Joint Progress Report and other progress reports are collectively referred to as a "**Progress Report**").
4. **Omnibus Hearing.** At the regularly scheduled omnibus hearings for these Chapter 11 Cases (each an "**Omnibus Hearing**"), the Bankruptcy Court shall conduct an initial AP Action status conference (the "**Pre-Trial Status Conference**") during which the parties shall furnish a status update for any AP Action for which the Progress Reports relating to such AP Action were filed at least one (1) week prior to the next scheduled Omnibus Hearing date. Any AP Action where the Progress Report was filed less than one (1) week prior to the next scheduled Omnibus Hearing date shall be scheduled to be heard on the next subsequent Omnibus Hearing date. The Debtors shall provide notice of the date and time of the Pre-Trial Status Conference to the AP Plaintiff, if pro se, or the AP Plaintiff's counsel, as applicable, and all other defendants named in the AP Action (to the extent the Debtors have or are reasonably able to access valid addresses for such parties) as soon as practicable by overnight mail or email. Once the Court determines the next steps to be taken in connection with an AP Action (e.g., the AP Action should be dismissed or fully litigated), the Debtors shall provide notice to all parties to the AP Action, including named defendants, of such determination and whether the AP Action shall be dismissed or proceed and be governed by the Case Management Order.
5. **Participation Mandatory.** Compliance with the Supplemental AP Procedures is mandatory. Each party in interest must serve the required

responses, engage in the specified communications, including the Initial Conference and Pre-Trial Status Conference, and otherwise comply with the Supplemental AP Procedures specified herein for all AP Actions covered by such Supplemental AP Procedures. To the extent the Debtors, the AP Plaintiff, or any other non-Debtor defendant seeks to be relieved from compliance with the Supplemental AP Procedures, such party must make a specific request and demonstrate cause to the Court for such relief.

6. **Deadlines.** Notwithstanding any of the provisions set forth above, any of the deadlines contained herein may be modified by: (a) mutual consent of the parties; or (b) the Court, for cause shown.
7. **Effectiveness of the Case Management Order.** To the extent an AP Action proceeds subsequent to the Pre-Trial Status Conference, the procedures set forth in the Case Management Order shall apply to the AP Action. In addition, counsel to the Debtors will coordinate with the Court to schedule separate regular omnibus hearing dates for hearing conferences and motions related to the AP Proceeding subject to the Court's availability.
8. **Confidentiality.** Pursuant to Rule 408 of the Federal Rules of Evidence, all settlement discussions and communications by, between, and among the parties in connection with proposed settlement of any AP Action shall remain confidential, unless all parties consent to disclosing all or part of any discussions and communications.
9. **Discovery.** No discovery requests shall be served or requested in any AP Action pending the conclusion of the Pre-Trial Status Conference and in accordance with the Case Management Order.
10. **Reservations of Rights.** All parties' rights, claims, counter-claims and defenses of any kind whatsoever with respect to the AP Actions shall be preserved pending the parties' compliance with the Supplemental AP Procedures, and a party's participation shall not be deemed to be nor construed as a waiver of any of such rights.

SCHEDULE FOR MANDATORY SUPPLEMENTAL AP PROCEDURES

1. Debtors will file and serve the Notice of Applicability by: May 30, 2013 (or if that date falls on a weekend or holiday, by the next business day).
2. AP Plaintiff to provide AP Plaintiff Contact Information by: June 7, 2013
3. Parties to schedule and conduct an Initial Conference by: July 18, 2013.
4. Progress Reports to be filed by: July 29, 2013.
5. Debtors to schedule Pre-Trial Status Conference by August 21, 2013 Omnibus Hearing date.
6. Deadline to file and serve an answer or response to the AP Action complaint is extended to no earlier than [a date to be determined].

PLEASE TAKE NOTICE that the dates listed above are subject to change upon the agreement of the Debtors, Special Borrowers' Counsel, and the AP Plaintiff, if appearing pro se, or the AP Plaintiff's counsel, as applicable. The timing of items (5) and (6) above will likely depend on the date of the Initial Conference, and any scheduled follow-up conferences.

Debtors' contact information:

Norman S. Rosenbaum (nrosenbaum@mofo.com)
Stefan W. Engelhardt (sengelhardt@mofo.com)
Paul Galante (pgalante@mofo.com)
MORRISON & FOERSTER LLP
1290 Avenue of the Americas
New York, NY 10104
Telephone: (212) 468-8000
Facsimile: (212) 468-7900

Special Borrowers' Counsel's contact information:

Ronald J. Friedman (rfriedman@silvermanacampora.com)
Justin S. Krell (jkrell@silvermanacampora.com)
SilvermanAcampora LLP
100 Jericho Quadrangle
Suite 300
Jericho, NY 11753
Telephone: (516) 479-6300
Facsimile: (516) 479-6301

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

ALFREDIA PRUITT
Plaintiff pro se

Bankruptcy case No: 12-12020

GMACM
RESIDENTIAL CAPITAL
Defendant

Adversary Proceeding: 13-01350

JURY TRIAL DEMANDED

REQUEST FOR ADMISSION TO BE ANSWERED BY THE DEFENDANT

The Plaintiff request that the Defendant admit or deny, within 20 days of the date of service of the request.

1. Defendant foreclosed on plaintiff property on September 7, 2010.
2. Defendant did not have the Original Promissory note.
3. Defendant was not the **Holder in Due Course**.
4. Defendant was aware of Plaintiff Bankruptcy filing.
5. Defendant wrongfully foreclosed on Plaintiff property.
6. Defendant was aware there are no recorded assignments from USAA Federal Savings.
7. Georgia law O.C.G.A. 44-14-162 states only a **Secured Creditor** has a right to conduct a non-judicial foreclosure sale.
8. Defendant never request payment(s) from Plaintiff.

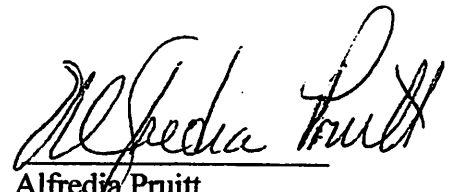
9. Defendant never mailed collections notices or made collection phone calls to Plaintiff.
10. Only the Servicing agent may have standing if acting as an agent for the Holder assuming that the agent can both show agency status and the principle is the Holder.
11. Defendant did not verify Jeffrey Stephan signed documents in front of a notary.
12. Defendant listed plaintiff as a debtor to lift automatic stay in Plaintiff bankruptcy in In order to foreclose on Plaintiff property.
13. Defendant listed Plaintiff as their Creditor in Defendant(s) bankruptcy filing because defendant knew they wrongfully foreclosed on Plaintiff Property and owed Plaintiff money.
14. Defendant does not have the **Original** loan documents.
15. Defendant could not identify the owner of Plaintiff loan before nor during foreclosure on Plaintiff home.
16. Defendant did not have a contractual right to collect payments from Plaintiff.
17. Defendant never collected any Payments from Plaintiff.
18. UCC(Uniform Commercial Code) forbids foreclosure of the mortgage unless the Creditor(possesses the properly-negotiated Original promissory note).
 - (a) If this can't be done, the foreclosure is void.
19. There are no recorded chain of title(s) from USAA Federal Savings Bank.
20. There is a genuine fact, the Original lender never assigned the note.

21. Plaintiff was in review for a loan modification with USAA Federal Savings Bank, when Defendant foreclosed on Plaintiff home..
22. Defendant was not the real-party in interest.
23. Plaintiff was counseled by Annie Williams (counselor for Consumer Credit Affairs).
24. Defendant was the highest bidder for cash at the foreclosure sell for the sum of \$285,00,576.74.
25. Defendant title on Notice of Foreclosure Sale to Plaintiff is Servicer and Creditor.
26. Defendant must review all documents to ensure Plaintiff actually missed payments.
27. Defendant was not in accordance with notice provisions involving foreclosure proceeding as required under Georgia Law.
28. Defendant did not re-advertise Plaintiff property after the September 7, 2010 foreclosure.
29. Defendant admitted to robo signing problems.
30. Defendant employed individuals that signed as many as thousands of affidavits a month spending about 30 seconds on each affidavit, not having a clue regarding the veracity of the affidavit or the documents in question.
(a) Number 30 is considered robo signing.
31. Plaintiff received a letter from USAA Federal Savings Bank stating the loan was paid in full.
32. It will take Discovery, Deposition(s) and a trial in the Southern District of New York Bankruptcy Court to clarify these abnormalities.

33. On July 7, 2011 Georgia District court held a foreclosure may be wrongful where the foreclosing party does not hold both the Security Deed and the note at the time of foreclosure.
34. US District judge, Amy Totenberg ruled that Georgia law means what its' word say that it is, only the Secured Creditor (the rightful note holder) can foreclose without going to court.
35. Plaintiff received a check from the Attorney General Office from a Settlement agreement between GMAC and four other big banks, for past mortgage loan servicing and foreclosure abuses and fraud, other violations.
36. Admit you've sold Plaintiff home.
37. Admit you settled a lawsuit with the Attorney Generals through out the state(s).
38. Admit you never contacted Plaintiff.
39. Admit you wrongfully foreclosed on Plaintiff home.
40. Admit there was no chain of title recorded.
41. Admit USAA Federal savings sold the loan in question before any foreclosure.
42. Admit you did not request a lift of stay until September 21, 2010.
43. Admit Plaintiff bankruptcy was not discharged until November 17, 2010.
44. Admit you mailed Plaintiff a letter after the foreclosure sale.
45. Admit you were aware of the bankruptcy filing.
46. Admit you had time to rescind the foreclosure.

- 47. Admit Plaintiff title was slandered.
- 48. Admit Plaintiff and family was evicted.
- 49. Admit Consumer credit affairs mailed and faxed information before the foreclosure sale to you stating Plaintiff was eligible for a loan modification.
- 50. Admit Plaintiff cried begging not to evict her and her family.
- 51. Admit Plaintiff filed a lot of motions, papers, etc., trying to stay in her home.
- 52. Admit Plaintiff home should not have been foreclosed on.

Signed and submitted this 17 day of June 2013

A handwritten signature in black ink, appearing to read 'Alfredia Pruitt', is written over a horizontal line.

Alfredia Pruitt
4574 Creek Forest Ct
Lilburn GA 30047
(770)668-3915
Alfrediapruitt@gmail

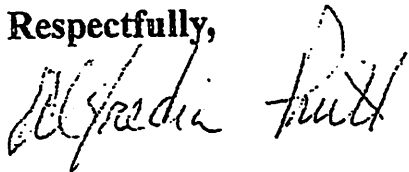
IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Case No 11-A-10084-

EMERGENCY PETITION to STAY EVICTION PROCEEDING
PENDING APPEAL to the DISTRICT COURT OF APPEAL.

Plaintiff Alfredia Pruitt pursuant to Georgia rules of Civil Procedures, files this Emergency Petition to Stay eviction Proceedings Pending Appeal to District Court, your honor if I am evicted and put on the street, I have absolutely no where to go, I am trying very hard to stay in my home, and resume paying mortgage, the bank will not suffer hardship, because they do not live in the home. I am pleading to the court if a bond is required please set it at a reasonable amount.

Respectfully,



Alfredia Pruitt

2360 Hickory Station C
Snellville, GA 30078

FILED IN OFFICE
CLERK OF SUPERIOR COURT
GWINNETT COUNTY, GA
2011 OCT -3 AM 8:18
TOM LAWLER, CLERK

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2011 OCT -3 AM 10: 22

FEDERAL NATIONAL MORTGAGE
ASSOCIATION,

Plaintiff,

v.

ALFREDIA PRUITT,

Defendant.

* Civil Action File No.
* 10-A-10972-3
*

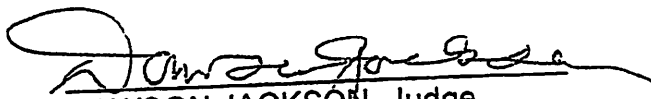
* Alfredia Pruitt's *pro se* Pauper's Affidavit
* filed 9/29/2011
*

TOM LAWLER, CLERK

ORDER DENYING AND DISMISSING ALFREDIA PRUITT'S PRO SE
PAUPER'S AFFIDAVIT/REQUEST FOR PAUPER'S STATUS

The foregoing Pauper's Affidavit filed *pro se* by Alfredia Pruitt on September 29,
2011 in the above-styled case, having been read and considered, said Pauper's
Affidavit/Request for Pauper's status is hereby **DENIED** and **DISMISSED**. See Uniform
Superior Court Rule 36.10..

SO ORDERED, this 30th day of September, 2011.


DAWSON JACKSON, Judge
Gwinnett Superior Court

Copies to:

Alfredia Pruitt, *pro se*
2360 Hickory Station Circle
Snellville, GA 30078

A. William Loeffler, Esq.
Teah N. Glenn, Esq.
Troutman Sanders LLP
5200 Bank of America Plaza
600 Peachtree St., NE
Suite 5200
Atlanta, GA 30308-2216

I've request a trial or hearing to be set on the matter, they've all been denied, ^{your honor} what is going on, these banks have wrongfully foreclosed.

Respectfully
Alpacia Pruitt
2360 Hickory Station C.
Snellville, GA 30078

P.S. They need to prove they hold the Secured Instrument. ~~I am~~ Your honor I am not disrespecting the court by filing all these papers, I'm just trying to keep my home, and pay the rightful owner(s).

Superior Court of Gwinnett County
State of Georgia

Alfredia Pruitt
Plaintiff

Case No 11-A-10675-E
11-A-10084-3

10-A-10972-E

Federal National Mortgage,
USAA Federal Savings Bank
GMAC

CLERK OF THE
SUPERIOR COURT
GWINNETT COUNTY, GA
2011 OCT 12 AM 9:13
TOM LAWLER, CLERK

Complaint to Judge

Your honor I've filed several
paupers Affidavit in reference to the
above cases, they've all been denied
~~except one~~ I have no job, seeking employment,
have interviews, no money, will you
please tell me the reason the court is denying
all my indigence affidavit.

Respectfully
Alfredia Pruitt

ALFREDIA PRUITT
MEMORANDUM IN SUPPORT OF
APPELLANT BRIEF

TO: United States District Court
From: Alfredia Pruitt
Date: March 28, 2014
Re: To add additional Statement of Law

This issue addressed by the memo is whether the superior court judge erred in Denying and Dismissing Appellant Pauper's Affidavit/Request for Pauper's status on September 30, 2011.

Appellant Appeal(s) were ALL **SUMMARILY DISMISSED** for non payment of fees, an attached order of Dismissal from Superior Court based on Rule 36.10. Appellant research of Rule 36.10 supports her argument, that her Timely filed Notices of Appeal should not have been dismissed for non-payment, because she filed a Paupers Affidavit (**attached**) to all her Notice(s) of Appeal. Appellant argues the transcript and attachment verifies that. Appellant took the emergency motion in the dispossessory case to the Georgia Court of Appeal under Duress, with hours left before the sheriff came to put her and her family on the streets. The Lower Court would not file **NONE** of Appellants Appeals, due to her being **indigent**. Appellant argues, Those actions prohibited Appellant Due Process of Law, being denied of her indigence in the lower courts, her constitutional rights were violated, not allowing her the right to Appeal. Appellant argue, the Timely filed Notice of Appeal in her first case, would have possibly made a difference in the out-come of the case in the lower court, res judicata would not be an issue in this court. Appellant argue, the judge dismissal under Superior Court Rule 36.10 was contrary to the order, and supported Appellant being in compliance with Superior Court Rule 36.10 and should not have had her Notice(s) of Appeals dismissed, because she was **indigent**. Appellant Complained to the judge, as to why all of her Affidavit of Indigence was denied, to this date, Appellant has not gotten an answer, the complaint was stamped in and filed, it was never addressed. Appellant argue, she should have been given the opportunity to have a hearing before the judge in reference to her being indigent. Appellant asked the lower court for a reduction and offered a payment plan, it was never honored.

In Appellant memorandum in support of her brief, Appellant cite in support of her position Uniform Superior Court Rule 36.10, Default Judgment Rule 55(a), (b). Fed.R.Bank.P.7012(a). Rule 7012.

If a complaint is duly served, the defendant shall serve an answer within 30 days after the issuance of the summons, except when a different time is prescribed by the court(Plaintiff argues, this was not done in her Adversary Proceeding Complaint). The court shall prescribe the time for service of the answer when service of a complaint is made by publication or upon a party in a foreign country.

Applicability of Rule 12(b)-(I)F.R.Civ.P. Rule 12(b)-(I) F.R. Civ.P. applies in an adversary proceedings. A responsive pleading shall admit or deny an allegation that the proceeding is core or non-core. If the response is that the proceeding is non-core, it shall include a statement that the party does or does not consent to entry of final orders and judgments shall not be entered on the bankruptcy's judge's order except with the express consent of the parties.

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and tat failure is shown by affidavit or otherwise, the clerk must enter the party's default.

(b) Entering a Default Judgment.

(1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk-on the plaintiff's request, with an affidavit showing the amount due-must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing and who is neither a minor nor an incompetent person.

(2) By the Court. In all other cases, the party must apply to the court for a default judgment. A default judgment may be entered against a minor or

Rule 36.10. Filing requirements Civil.

Complaints or petitions presented to the clerk for filing shall be filed only when accompanied by the proper filing fee, fee for sheriff service or a **Paupers Affidavit**, a civil case initiation form, and, when applicable, any forms required by law or rule to be completed by the parties. The attorney or party filing the complaint shall furnish the necessary service copies. Judgments, settlements, dismissals and other dispositions presented to the clerk for filing shall be filed only when accompanied by a civil case disposition form.

Appellant attaches realize there are some missing pages in the Notice of Applicability of the order approving Mandatory Supplemental AP procedures for AP Actions. **NO ANSWER FILED AT ALL IN NO COURT**, Appellant argues, there should have been according to the statues cited in her brief. Appellant argue, just as Appellee took the time to file this AP Applicability, Appellee could have and should have responded to her complaint, and answers she requested. Appellant argue, although the Defendant filed a motion to dismiss, it was not filed within the time period specified in the summons for an answer. Appellant filed motions to compel, complaints ,and interrogatory questions(attached, defendant never responded). Appellant is attaching a copy of request for Default Judgment that was filed into the United States Bankruptcy Court on June 30, 2013.

Items attached:

Complete Mandatory Supplement

Complaint to the Judge

Order denying Paupers and request to Stay Eviction

Request for Answer by the Defendant

Request for Default Judgment

Plaintiff have addition motions,
Denying Paupers and other
Documents if Court request
them.

Certificate of Service

I hereby certify that I have this day served a copy of the Appellant Brief with and foregoing pleading upon all parties in this matter by depositing true and correct copy of same in Fed-Ex Overnight Mail and Regular Mail, on March 29, 2014, with proper postage prepaid, addressed to counsel of record as follow:

Southern District of New York
District Court
500 Pearl Street
New York, NY 10007

GMAC/Residential Capital
Morrison & Forester, LLP
c/o 1290 Avenue of the Americas
New York, New York 10104
Telephone: (212)468-8000
Facsimile: (212)468-7900

United States Bankruptcy Court
One Bowling Green
New York, NY 10004